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11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

13 L.A. Taxi Cooperative, Inc. dba Yellow Cab
Co.; Administrative Services SD, LLC dba
14 Yellow Radio Service; All Yellow Taxi, Inc.
dba Metro Cab; American Cab, LLC;
15 American Cab, LLC dba Pomona Valley
Yellow Cab; Bell Cab Company, Inc.; TM-
16 MTM, Inc.; Big Dog City Corporation dba
Citywide Dispatch, Citywide Taxi, and Big
17 Dog Cab; Cabco Yellow, Inc. dba California
Yellow Cab; C&J Leasing, Inc. dba Royal
18 Taxi; G&S Transit Management, Inc.; Gorgee
Enterprises, Inc.; LA City Cab, LLC; Long
19 Beach Yellow Cab Co-operative, Inc.;
Network Paratransit Systems, Inc.; South Bay
20 Co-operative, Inc. dba United Checker Cab;
Taxi Leasing, Inc. dba Yellow Cab of Ventura
21 County; Tri-City Transportation Systems, Inc.;
Tri Counties Transit Corporation dba Blue
22 Dolphin Cab of Santa Barbara, Yellow Cab of
Santa Maria, and Yellow Cab of San Luis
23 Obispo; and Yellow Cab of South Bay Co-
operative, Inc. dba South Bay Yellow Cab,

24 Plaintiffs,

25 vs.

26 Uber Technologies, Inc.; Rasier, LLC; and
27 Rasier-CA, LLC,

28 Defendants.

CASE NO. 3:15-cv-01257-JST

**PLAINTIFFS' REQUESTS FOR
PRODUCTION OF DOCUMENTS TO
DEFENDANTS (SET THREE)**

PROPOUNDING PARTIES: L.A. Taxi Cooperative, Inc. dba Yellow Cab Co.; Administrative Services SD, LLC dba Yellow Radio Service; All Yellow Taxi, Inc. dba Metro Cab; American Cab, LLC; American Cab, LLC dba Pomona Valley Yellow Cab; Bell Cab Company, Inc.; TM-MTM, Inc.; Big Dog City Corporation dba Citywide Dispatch, Citywide Taxi, and Big Dog Cab; Cabco Yellow, Inc. dba California Yellow Cab; C&J Leasing, Inc. dba Royal Taxi; G&S Transit Management, Inc.; Gorgee Enterprises, Inc.; LA City Cab, LLC; Long Beach Yellow Cab Co-operative, Inc.; Network Paratransit Systems, Inc.; South Bay Co-operative, Inc. dba United Checker Cab; Taxi Leasing, Inc. dba Yellow Cab of Ventura County; Tri-City Transportation Systems, Inc.; Tri Counties Transit Corporation dba Blue Dolphin Cab of Santa Barbara, Yellow Cab of Santa Maria, and Yellow Cab of San Luis Obispo; and Yellow Cab of South Bay Co-operative, Inc. dba South Bay Yellow Cab

RESPONDING PARTIES: Uber Technologies, Inc.; Rasier, LLC; and Rasier-CA, LLC,

SET NUMBER: THREE

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiffs hereby request that each Defendant respond to each of the following requests for production of documents, and produce all responsive Documents for inspection and copying within thirty (30) days of service.

These document requests are continuing in nature so that if Defendants, their directors, officers, employees, agents, representatives or any person acting, or purporting to act, on behalf of any Defendant, discover any Document(s) requested or required to be produced, Defendants shall make such Document(s) available.

DEFINITIONS

As used herein, the following terms are defined as follows:

1. “All” should be construed to include the collective as well as the singular and shall mean “each,” “any,” and “every.”

2. The term “Defendant” or “Defendants” means any entity named as a defendant in Plaintiffs’ First Amended Complaint (Dkt. 50), and their present or former employees, officers, directors, agents, predecessors, successors, parents, subsidiaries, affiliates, joint ventures, or any other person acting on their behalf.

3. The terms “Document” or “Documents” means the original and any non-identical copy of all items subject to discovery under Rule 34 of the Federal Rules of Civil Procedure. This definition includes any written, printed, reproduced, graphic, photographic, electronic, audio, visual, or video records, however produced or reproduced, of any kind or description, whether prepared by You or by any other person, that is in Your possession, custody, or control, including, but not limited to, the following: emails; correspondence; memoranda; travel records; summaries; agreements; electronically stored information; papers; notes; books; invoices, letters; facsimiles; intra- and interoffice communications; transcripts; minutes or other records of Meetings; reports; affidavits; statements; legal pleadings; calendars; appointment books; diaries; notebooks; telephone logs; records of telephone conversations; compilations; work papers; graphs; charts; blueprints; sales, advertising, and promotional literature; agreements; pamphlets; brochures; circulars; manuals; instructions; ledgers; drawings; sketches; photographs; screen shots; video recordings; audio recordings; film and sound reproductions; internal or external web sites; compact discs; computer files and disks; and social media communications, including, but not limited to, information posted on or transmitted through social networking platforms (*e.g.*, LinkedIn, Facebook, MySpace, and Instagram), digital file-sharing services (*e.g.*, Flickr), blogs and microblogs (*e.g.*, Twitter), Voice Over Internet Protocol services (*e.g.*, Skype), and/or instant messages.

4. “UberX” means both the UberX service and the UberXL service.

5. “Or” and “and” should be construed so as to require the broadest possible response. If, for example, a request calls for information about “A or B” or “A and B,” You should produce all information about A and all information about B, as well as all information about A and B collectively. In other words, “or” and “and” should be read as “and/or.”

6. The terms “You” and “Your” means Defendant as defined herein.

7. All other words have their plain and ordinary meaning.

INSTRUCTIONS

1. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, these Document requests are continuing in nature so that if You subsequently discover or obtain possession,

1 custody, or control of any Document covered by these requests, You shall promptly make any
2 such Document available to plaintiffs.

3 2. In producing Documents and other materials, You are to furnish all Documents or
4 things in Your possession, custody or control, regardless of whether such Documents or materials
5 are possessed directly by You or Your employees, agents, parent company(ies), subsidiaries,
6 affiliates, investigators or by Your attorneys or their employees, agents, or investigators.

7 3. Pursuant to Rule 34(b) of the Federal Rules of Civil Procedure, all Documents shall
8 be produced in the same order as they are kept or maintained by You in the ordinary course of
9 Your business. All Documents shall be produced in the file, folder, envelope or other container in
10 which the Documents are kept or maintained. If for any reason the container cannot be produced,
11 You should produce copies of all labels or other identifying marks which may be present on the
12 container.

13 4. Documents shall be produced in such fashion as to identify the department, branch
14 or office in whose possession they were located and, where applicable, the natural person in whose
15 possession they were found and the business address of each Document's custodian(s).

16 5. Documents attached to one another should not be separated. If any portion of any
17 Document is responsive to any portion of the Document requests below, then the entire Document
18 must be produced.

19 6. If a Document once existed and subsequently has been lost, destroyed or is
20 otherwise missing, You should provide sufficient information to identify the Document and state,
21 in writing, the details, including whether the Document:

- 22 (a) is lost or missing;
- 23 (b) has been destroyed and, if so, by whom and at whose request;
- 24 (c) has been transferred or delivered, voluntarily or involuntarily, to another
25 person or entity and at whose request; and/or
- 26 (d) has been otherwise disposed of.

27 7. In each instance in which a Document once existed and subsequently is lost,
28 missing, destroyed, or otherwise disposed of, explain the circumstances surrounding the

1 disposition of the Document, including, but not limited to:

- 2 (a) the identity of the Person or entity who last possessed the Document;
- 3 (b) the date or approximate date of the Document's disposition; and
- 4 (c) the identity of all persons who have or had knowledge of the Document's
- 5 contents.

6 8. If any Document responsive to any of these requests is privileged, and the
7 Document or any portion of the Document requested is withheld based on a claim of privilege
8 pursuant to Rule 26(b)(5) of the Federal Rules of Civil Procedure, then the parties will meet and
9 confer as to the procedure for privilege log creation.

10 9. All Documents produced should be Bates numbered sequentially, with a unique
11 number on each page, and with a prefix identifying the party producing the Document.

12 10. Pursuant to the parties' agreement, electronically stored information ("ESI") should
13 be produced with standard Summation or Concordance load files, single page TIFF format with
14 text extracted and native files for the production database files (such as Microsoft Access),
15 spreadsheets (such as Microsoft Excel), and media files (such as WAV or JPEG).

16 11. Unless otherwise indicated, the time period covered by these Requests shall be all
17 times since Your formation up through the date YOU respond to these requests.

18 **REQUESTS FOR PRODUCTION**

19 **REQUEST NO. 40:**

20 All Documents relating to Your advertising or marketing of driver background checks
21 conducted by YOU, or on YOUR behalf by a third party company, including but not limited to the
22 advertisements themselves and any internal communications pertaining to the advertisement or
23 marketing campaign.

24 **REQUEST NO. 41:**

25 All Documents relating to the frequency with how often You, or a third party acting on
26 Your behalf, rerun background checks on YOUR drivers.

27 **REQUEST NO. 42:**

28 All Documents relating to any policies You have in place that specify the frequency with

which, or how often a vehicle must be re-inspected.

REQUEST NO. 43:

All Documents that are sufficient to show Your expenditures on safety.

REQUEST NO. 44:

Any and all insurance policies for loss, damage, or injury to persons and/or property arising out of UberX rides booked through Your mobile application including, but not limited to, declarations pages, endorsements, and certificates of insurance, evidencing coverage for You or any of Your drivers.

REQUEST NO. 45:

To the extent not already produced, all Documents reflecting, relating to, or evidencing the amount of money that You have spent in connection with background checks for potential or current UberX drivers (including, but not limited to, those performed by Hirease, Inc., Accurate Background, Inc. or Checkr, Inc.).

REQUEST NO. 46:

To the extent not already produced, all Documents reflecting, relating to, or evidencing the amount of money that You have allocated to background checks for potential or current UberX drivers (including, but not limited to, those performed by Hirease, Inc., Accurate Background, Inc. or Checkr, Inc.).

REQUEST NO. 47:

To the extent not already produced, all Documents reflecting, relating to, or evidencing how You spend the “Safe Rides Fees” that You collect.

REQUEST NO. 48:

To the extent not already produced, all Documents reflecting, relating to, or evidencing the revenues generated as a result of the UberX service for every year since the inception of the UberX service including, but not limited to, any profit and loss statements.

REQUEST NO. 49:

To the extent not already produced, all Documents reflecting, relating to, or evidencing the profits generated as a result of the UberX service for every year since the inception of the UberX

1 service including, but not limited to, any profit and loss statements.

2 **REQUEST NO. 50:**

3 To the extent not already produced, all Documents reflecting, relating to, or evidencing the
4 revenues generated in San Francisco and SFO Airport as a result of the UberX service for every
5 year since the inception of the UberX service including, but not limited to, any profit and loss
6 statements.

7 **REQUEST NO. 51:**

8 To the extent not already produced, all Documents reflecting, relating to, or evidencing the
9 Profits generated in San Francisco and SFO Airport as a result of the UberX service for every year
10 since the inception of the UberX service including, but not limited to, any profit and loss
11 statements.

12 **REQUEST NO. 52:**

13 All Documents reflecting, relating to, or evidencing the revenues generated in Los Angeles
14 County as a result of the UberX service for every year since the inception of the UberX service
15 including, but not limited to, any profit and loss statements.

16 **REQUEST NO. 53:**

17 All Documents reflecting, relating to, or evidencing the Profits generated in Los Angeles
18 County as a result of the UberX service for every year since the inception of the UberX service
19 including, but not limited to, any profit and loss statements.

20 **REQUEST NO. 54:**

21 All Documents reflecting, relating to, or evidencing the revenues generated in Santa
22 Barbara County as a result of the UberX service for every year since the inception of the UberX
23 service including, but not limited to, any profit and loss statements.

24 **REQUEST NO. 55:**

25 All Documents reflecting, relating to, or evidencing the Profits generated in Santa Barbara
26 County as a result of the UberX service for every year since the inception of the UberX service
27 including, but not limited to, any profit and loss statements.

28 ///

1 REQUEST NO. 56:

2 All Documents reflecting, relating to, or evidencing the revenues generated in Ventura
 3 County as a result of the UberX service for every year since the inception of the UberX service
 4 including, but not limited to, any profit and loss statements.

5 REQUEST NO. 57:

6 All Documents reflecting, relating to, or evidencing the Profits generated in Ventura
 7 County as a result of the UberX service for every year since the inception of the UberX service
 8 including, but not limited to, any profit and loss statements.

9 REQUEST NO. 58:

10 All Documents reflecting, relating to, or evidencing the revenues generated in San
 11 Bernardino County (including the cities of Ontario, Upland, Rancho Cucamonga, Fontana, Rialto,
 12 San Bernardino, Loma Linda, Redlands, Barstow, Yucca Valley, Twentynine Palms and Joshua
 13 Tree) as a result of the UberX service for every year since the inception of the UberX service
 14 including, but not limited to, any profit and loss statements.

15 REQUEST NO. 59:

16 All Documents reflecting, relating to, or evidencing the profits generated in San
 17 Bernardino County (including the cities of Ontario, Upland, Rancho Cucamonga, Fontana, Rialto,
 18 San Bernardino, Loma Linda, Redlands, Barstow, Yucca Valley, Twentynine Palms and Joshua
 19 Tree) as a result of the UberX service for every year since the inception of the UberX service
 20 including, but not limited to, any profit and loss statements.

21 REQUEST NO. 60:

22 All Documents reflecting, relating to, or evidencing the revenues generated in Riverside
 23 County within the cities of Cathedral City, Thermal, Coachella, Desert Hot Springs, Indian Wells,
 24 Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage as a result of the UberX service
 25 for every year since the inception of the UberX service including, but not limited to, any profit and
 26 loss statements.

27 REQUEST NO. 61:

28 All Documents reflecting, relating to, or evidencing the profits generated in Riverside

County within the cities of Cathedral City, Thermal, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage as a result of the UberX service for every year since the inception of the UberX service including, but not limited to, any profit and loss statements.

REQUEST NO. 62:

All Documents reflecting, relating to, or evidencing the revenues generated in Orange County as a result of the UberX service for every year since the inception of the UberX service including, but not limited to, any profit and loss statements.

REQUEST NO. 63:

All Documents reflecting, relating to, or evidencing the profits generated in Orange County as a result of the UberX service for every year since the inception of the UberX service including, but not limited to, any profit and loss statements.

REQUEST NO. 64:

All Documents reflecting, relating to, or evidencing the revenues generated in the County of San Diego, with the exception of the City of Coronado, as a result of the UberX service for every year since the inception of the UberX service including, but not limited to, any profit and loss statements.

REQUEST NO. 65:

All Documents reflecting, relating to, or evidencing the profits generated in the County of San Diego, with the exception of the City of Coronado, as a result of the UberX service for every year since the inception of the UberX service including, but not limited to, any profit and loss statements.

REQUEST NO. 66:

All Documents reflecting or evidencing the number of UberX rides taken by passengers in San Francisco and SFO Airport each year since the inception of the UberX platform.

REQUEST NO. 67:

All Documents reflecting or evidencing the number of UberX rides taken by passengers in Los Angeles County each year since the inception of the UberX platform.

1 REQUEST NO. 68:

2 All Documents reflecting or evidencing the number of UberX rides taken by passengers in
 3 San Bernardino County (including the cities of Ontario, Upland, Rancho Cucamonga, Fontana,
 4 Rialto, San Bernardino, Loma Linda, Redlands, Barstow, Yucca Valley, Twentynine Palms and
 5 Joshua Tree) each year since the inception of the UberX platform.

6 REQUEST NO. 69:

7 All Documents reflecting or evidencing the number of UberX rides taken by passengers in
 8 Riverside County within the cities of Cathedral City, Thermal, Coachella, Desert Hot Springs,
 9 Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage each year since the
 10 inception of the UberX platform.

11 REQUEST NO. 70:

12 All Documents reflecting or evidencing the number of UberX rides taken by passengers in
 13 Santa Barbara County each year since the inception of the UberX platform.

14 REQUEST NO. 71:

15 All Documents reflecting or evidencing the number of UberX rides taken by passengers in
 16 Ventura County each year since the inception of the UberX platform.

17 REQUEST NO. 72:

18 All Documents reflecting or evidencing the number of UberX rides taken by passengers in
 19 Orange County each year since the inception of the UberX platform.

20 REQUEST NO. 73:

21 All Documents reflecting or evidencing the number of UberX rides taken by passengers in
 22 San Diego County, with the exception of the City of Coronado, each year since the inception of
 23 the UberX platform.

24 REQUEST NO. 74:

25 To the extent not already produced, all Documents not produced by Plaintiffs in this action
 26 that mention Plaintiffs' company names.

27 REQUEST NO. 75:

28 To the extent not already produced, all Documents that show the background check

1 process employed by You is better than a fingerprint background check.

2 **REQUEST NO. 76:**

3 To the extent not already produced, all Documents reflecting, relating to, or evidencing
4 proposed changes and actual changes to Your website in regards to safety or background checks.

5 **REQUEST NO. 77:**

6 Any and all Documents reflecting, relating to, or evidencing representations about taxicabs
7 made by You including, but not limited to, representations made on Your website, in
8 advertisements, or in marketing campaigns.

9
10 DATED: October 10, 2016

PEARSON, SIMON & WARSHAW, LLP
BRUCE L. SIMON
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14 By: /s/ Matthew A. Pearson
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PROOF OF SERVICE

L.A. TAXI COOPERATIVE, INC. DBA YELLOW CAB CO., ET AL. V. UBER
TECHNOLOGIES, INC., ET AL.

Case No. 3:15-cv-01257-JST

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the County of SAN FRANCISCO, STATE OF CALIFORNIA. My business address is 44 Montgomery Street, Suite 2450, San Francisco, California 94104. I am over the age of eighteen years and am not a party to the within action;

On October 10, 2016, I served the following document(s) entitled **PLAINTIFFS' REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS (SET THREE)**

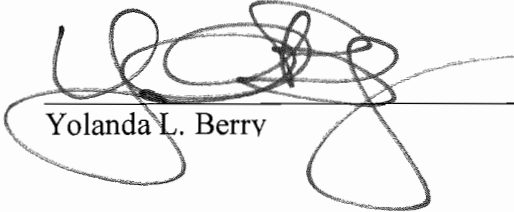
on ALL INTERESTED PARTIES in this action by the method(s) described below:

SEE ATTACHED LIST

BY ELECTRONIC MAIL TRANSMISSION: By electronic mail transmission from yberry@pswlaw.com on October 10, 2016, by transmitting a PDF format copy of such document(s) to each such person at the e-mail address listed below their address(es). The document(s) was/were transmitted by electronic transmission and such transmission was reported as complete and without error.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on October 10, 2016, at San Francisco, California.


Yolanda L. Berry

SERVICE LIST
L.A. Taxi Cooperative, Inc. v. Uber, Inc.
Case No. 3:15-cv-01257-JST

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